

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-CV-00289-M-RN

SEAN B. MAYO,

Plaintiff,

v.

ROCKY MOUNT POLICE
DEPARTMENT, et al.,

Defendants.

ORDER

This matter comes before the court on the Memorandum and Recommendation (“M&R”) entered by Magistrate Judge Robert T. Numbers, II in this case on March 31, 2025. [DE 128]. In it, Judge Numbers recommends that Defendant Dennis Parris’ Motion to Dismiss [DE 121] be denied. *Id.* at 16. Judge Numbers instructed the parties to file written objections within fourteen days of service of the M&R. *Id.* Defendant Parris filed an objection on April 2, 2025 [DE 130], but one week later, he withdrew it, stating that he “does not intend to pursue any additional arguments regarding the [c]ourt’s subject matter jurisdiction” and “anticipates that the case will proceed to a jury trial[.]” [DE 132].

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear

error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Defendant Parris withdrew his objection to the M&R, so the court reviews for clear error. *See id.* Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendant Parris’ Motion to Dismiss [DE 121] is DENIED.

On or before July 3, 2025, the parties are ORDERED to confer and provide the court with three mutually agreed upon trial dates.

SO ORDERED this 17th day of June, 2025.

A handwritten signature in blue ink that reads "Richard E. Myers II". The signature is written in a cursive, flowing style with a horizontal line at the end.

RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE